

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences

In re Patent Application of

Atty Dkt. RYM-36-1450

JONES et al

Serial No. 09/831,274

Filed: May 9, 2001

Title: COMMUNICATIONS NETWORK



C# M#

Confirmation No. 3238

TC/A.U.: 2151

Examiner: K. Tang

Date: June 30, 2008

Handwritten initials "AF" and a signature.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

☐ Correspondence Address Indication Form Attached.

☐ **NOTICE OF APPEAL**

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the Examiner twice/finally rejecting applicant's claim(s).

\$510.00 (1401)/\$255.00 (2401) \$

☐ An appeal **BRIEF** is attached in the pending appeal of the above-identified application

\$510.00 (1402)/\$255.00 (2402) \$

☐ Credit for fees paid in prior appeal without decision on merits

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☒ A reply brief is attached.

(no fee)

☐ Pre-Appeal Brief Request for Review form attached.

☐ Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s)

One Month Extension \$120.00 (1251)/\$60.00 (2251)
Two Month Extensions \$460.00 (1252)/\$230.00 (2252)
Three Month Extensions \$1050.00 (1253)/\$525.00 (2253)
Four Month Extensions \$1640.00 (1254)/\$820.00 (2254) \$

☐ "Small entity" statement attached.

Less month extension previously paid on

-\$ ()

TOTAL FEE ENCLOSED \$ 0.00

☐ **CREDIT CARD PAYMENT FORM ATTACHED.**

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140**. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.
By Atty: Raymond Y. Mah, Reg. No. 41,426

Signature: _____

Handwritten signature of Raymond Y. Mah.

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In re Patent Application of

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Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Sir:

Appellant hereby submits this Reply Brief under the provisions of 37 C.F.R. 1.193(b) in response to the Examiner's Answer mailed April 30, 2008. The arguments set forth in the Appeal Brief dated April 4, 2008 are incorporated herein. The following arguments are presented in response to new arguments presented in the Examiner's Answer and to further clarify Appellant's previous positions.

Dependent claims 18-19 and 25-26

The Examiner's Answer (page 6 and pages 16-17) repeats the allegation of Sections 4-5 (page 6) of the Final Rejection that page 1100, paragraph 3 of Bonjour discloses the limitations of claims 18, 19, 25 and 26. As discussed in the Appeal Brief, while page 1100, paragraph 3 of Bonjour makes a passing reference to "(protocol stack, connection mapping, signaling...)," this passing reference in Bonjour clearly does not disclose or even suggest a service parameter part of a URL as claimed (e.g., a service parameter part which determines parameters of a connection in the specific type of circuit switched network identified by the circuit-switched identifier part to the resource), let alone a service parameter part of the URL indicating a connection topology (claims 18 and 25) or a connection bandwidth (claims 19 and 26).

With respect to the limitations of claims 18, 19, 25 and 26, the Examiner's Answer (page 17) concludes "In order to retrieve the resource over a network, the URL itself must have the topology information in order to locate and identify the desired resource. Therefore, the limitation **could be implied** and read on the cited portion of Bonjour (refer to page 1100, par. 3) (emphasis added)." This "could be implied" rationale is based on an unsupported, conclusory statement and clearly fails to satisfy the requirement that "there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *Ex parte Wada and Murphy*, BPAI Appeal No. 2007-3733 (January 14, 2008) at pg.

7, citing *KSR Int'l v. Teleflex Inc.* 127 S. Ct. 1727, 1741 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)).

Moreover, even if Bonjour were to imply “topology information” as alleged on page 17 of the Examiner’s Answer, the claim limitations specifically require a service parameter part of the URL indicating a connection topology (claims 18 and 25) or a connection bandwidth (claims 19 and 26). There is no teaching or suggestion of these specific claim limitations.

Independent claims 14, 20-21, 27-28 and 32

Again, the arguments set forth in the Appeal Brief dated April 4, 2008 are incorporated herein. With respect to the general argument on page 16 of the Examiner’s Answer that “In this case, Bonjour, Lee and Zhu disclose the important (sic) of accessing resources via Internet...”, this argument ignores the more specific disclosures of these references, including those in Lee, that teach away from the proposed combination of these references. See, for example, pgs. 22-23 of the Appeal Brief.

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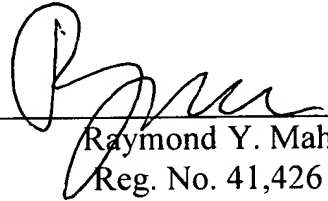
Conclusion

For at least the reasons set forth above and discussed in detail in the previously-filed Appeal Brief, it is respectfully requested that the rejections on appeal be reversed.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


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